

Public Notice No. 08FL001
CWA-04-2008-5504(b)

U. S. Environmental Protection Agency, Region 4
Wetlands Regulatory Section
61 Forsyth Street, SW
Atlanta, Georgia 30303

Date: January 23, 2008

The U.S. Environmental Protection Agency (EPA), Region 4, proposes to issue a Consent Agreement and Final Order (CAFO), Docket No. CWA-04-2008-5504(b) to Richmond American Homes of Florida, LC (Respondent). EPA intends to assess an administrative penalty of \$30,000 dollars under the authority of Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g).

EPA alleges the Respondent has made unauthorized discharges of dredged and/or fill material into waters of the United States in violation of Section 301 of the CWA, 33 U.S.C. Section 1311. The discharges, which were made during site preparation for residential construction, impacted 0.18 acres of jurisdictional forested wetlands. The waters of the United States impacted are adjacent to a perennial canal that confluences with Bulow Creek, a navigable water of the United States. The impacted wetlands are located on Slipper Trail, in the City of Palm Coast, Flagler County, Florida, near 29° 25' 27.25" north latitude and 81° 11' 38.25" west longitude.

Any person who wishes to comment in writing on the proposed CAFO (CWA-04-2008-5504(b)) must submit such comments to the Regional Hearing Clerk at U.S. EPA, Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia, 30303, within thirty (30) days of the date of this public notice. Please include the Public Notice and Docket Number on the first page of submitted comments. Interested parties may also submit comments by e-mail to the EPA representatives listed below. The Final Order will be issued after the close of the thirty (30) day comment period unless a public hearing is requested.

Interested parties may contact the EPA representatives for this action, Mike Wylie, Wetlands Enforcement Coordinator (wylie.mike@epa.gov), at the above address or by phone at (404) 562-9409, or Stephanie Fulton (fulton.stephanie@epa.gov), Wetlands Regulatory Section, at the above address or by phone at (404) 562-9413, to obtain information or additional copies of this proposed Final Order. The Administrative Record, including information submitted by the Respondent and comments received by the public, is available for review at the EPA office address listed above. The file will be open for public review during the thirty (30) day comment period between 9:00 a.m. and 4:00 p.m., Monday through Friday.